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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

DAVID M. LIEBMAN, *on behalf of himself and  
those similarly situated,*

Plaintiff,

vs.

FINANCIAL RECOVERY SERVICES, INC.;  
LVNV FUNDING, LLC; and JOHN DOES 1 to  
10,

Defendants.

Civil Action No.:

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendants Financial Recovery Systems, Inc. (“FRS”) and LVNV Funding, LLC (“LVNV”) (collectively “Defendants”), by and through their attorneys, Gordon Rees Scully Mansukhani LLP, jointly and collectively file this Notice of Removal for the above-captioned case, removing this case from the Superior Court of New Jersey, Essex County, Law Division, Docket No.: ESX-L-005372-21 to the United States District Court for the District of New Jersey. Defendants respectfully represent and state as follows:

1. On July 8, 2021, Plaintiff David M. Liebman commenced this action by filing a Complaint in the Superior Court of New Jersey, Essex County, Law Division, ESX-L-005372-21, captioned *David M. Liebman, on behalf of himself and those similarly situated v. Financial Recovery Systems, Inc., et al.* A copy of the Complaint is annexed hereto as **Exhibit A**.

2. In accordance with 28 U.S.C. § 1446(a) the Complaint constitutes all of the process, pleadings, and orders served on Defendants prior to the removal of this action.

### **STANDARD FOR REMOVAL**

3. Defendants file this Notice of Removal pursuant to 28 U.S.C. § 1441(a), which provides that “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed,” and pursuant to 28 U.S.C. § 1446(b), which provides that notice of removal “shall be filed within thirty days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading.”

4. Defendants are filing this Notice of Removal within thirty (30) days of the receipt of the Complaint.

### **FEDERAL QUESTION JURISDICTION**

5. Under 28 U.S.C. § 1331, this Court has original jurisdiction over all claims arising under the laws of the United States.

6. Here, Defendants’ alleged violation of the FDCPA constitutes a claim being brought under the laws of the United States.

7. Moreover, under 28 U.S.C. § 1367, this Court has supplemental jurisdiction over any potential claims brought pursuant to any state, county, or local law that form part of the same controversy.

8. Here, jurisdiction is conferred on this Court, pursuant to 28 U.S.C. § 1367, concerning any claim that Plaintiff may assert in his complaint, which arises under the same facts and that form part of the same controversy.

9. Accordingly, this action presents claims arising under the laws of the United States thereby conferring jurisdiction on this Court pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1367.

10. Venue is proper in this Court pursuant to 28 U.S.C. § 1441(a) because the United States District Court for the District of New Jersey, Newark Division is the district and division within which this lawsuit is pending (Essex County, New Jersey).

11. Contemporaneous with the filing of this Notice of Removal, Defendants have given written notice to Plaintiff and have filed a copy of this Notice of Removal with the Clerk of the Superior Court of New Jersey, Essex County, Law Division, as well as a Notice of Filing the Petition for Removal.

12. By filing this Notice of Removal, Defendants do not waive any rights or defenses, and expressly reserve all rights and defenses that they may have with respect to Plaintiff's Action.

**PRAYER FOR RELIEF**

WHEREFORE, Defendants hereby give notice that this action is removed to the United States District Court for the District of New Jersey.

Dated: August 19, 2021

Respectfully submitted,

**GORDON REES SCULLY MANSUKHANI  
LLP**  
*Attorneys for Defendants  
Financial Recovery Services, Inc. and LVNV  
Funding, LLC*

By: /s/ Peter G. Siachos  
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